

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 11, 2007

The meeting was called to order at 4:02 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Dale Clayton, and Phil Conder

ABSENT: Terry Mills and Brent Fuller

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Steve Pastorik, Hannah Thiel and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 16 people were in the audience.

ZONE TEXT CHANGE APPLICATION:

ZT-2-2007

Zone Text Change Sign Ordinance

Staff Presentation by Hannah Thiel, Planner I

Ms. Hannah Thiel presented the application.

Legal Authority

Title 11 Sign Ordinance

Background

Staff is requesting a zone text change for the Sign Ordinance. This text change would add a section regarding Electronic Message Signs to the Sign Ordinance, and would clean up the existing ordinance regarding freeway-oriented pole signs, number of pole signs allowed per frontage, as well as monument signs on corner lots. The existing ordinance minimally refers to electronic message signs, which creates some confusion as to the City's standards. Furthermore, the freeway-oriented signs section is not as clear as it could be regarding the height exception. The height exception allows the signs to go 65 feet tall at the minimum front yard setback of 30 feet (derived from the maximum setback for the maximum height in the Manufacturing zone). This rule has been in practice by staff, but is not very clear in writing. Pole signs are regulated in terms of distance to each other, but staff feels that only one pole sign is needed per frontage with the exception of free-way oriented properties. Finally, monument signs are permitted as one per 200 feet of frontage. It has been in staff's practice that if a business is on a corner lot, that business owner may have one sign per side with street frontage, which is currently not very clear in the ordinance.

This text change would allow electronic message signs in the C-2, C-3, and M zones. The signs would have restrictions on brightness during the day and the night, percentage of monument, wall or pole sign the electronic message sign may use, distance to a residential property line, and so on (see proposed ordinance). The text change would also allow electronic message signs in the RB, B/RP, and C-1 zones, with slightly more strict regulations as these zones often border residential properties. The signs would have restrictions on brightness during the day and would have to be turned off at night. They would also be restricted by a set square footage regardless of the size of the monument, wall or pole sign the electronic message sign may use, distance to a residential property line, and so on (see proposed ordinance). The term for brightness is also added to the definitions section, and the definition for animation is updated. Finally, the electronic

message signs are referenced in the zones for which they apply in the Sign Ordinance.

The Planning Commission brought up several concerns in the Study Session held on April 18, 2007. The concerns were as follows:

1. The size and electronic message coverage on the E-Center Sign
2. The sign distance required from residential properties may not be necessary if the electronic message sign is located on a monument and is blocked by a building.
3. The term 'message' could be understood to mean picture or text. Where perhaps text should meet the 30% coverage standard, the picture may not have to...the meaning of 'message' may need to be defined.
4. Locations of existing electronic message signs Planning Commission could look at.
5. Electronic message signs may not be appropriate in certain zones, including the City Center.
6. It may be better to limit the maximum height an electronic message sign could occupy rather than limit the coverage of the sign by a percentage of the sign.
7. Maximum wattage may be a better way to limit the lumination of signs than the percent brightness.
8. It may be wise to limit the minimum distance between electronic message signs.

After this application was continued from the Planning Commission Public Hearing on April 25, 2007, staff met with sign companies and businesses in West Valley City on May 7, 2007. This meeting brought new light to the following issues with the proposed ordinance:

1. The definition for Brightness included watts when it should include lumens as a more measurable form of the display of light.
2. The maximum percentage of 30% may not be sufficient for all signs. To promote the possibility of smaller signs while making an electronic message sign readable, the percentage for the electronic message sign on a monument sign was limited to 50% of the sign area. As pole signs do not use a base like a monument sign, but they could still have a stationary heading for their business name, it seemed appropriate to allow pole signs to use 75% of the sign for an electronic message sign. As billboards really couldn't function, and look aesthetically decent as a sign that did not use the entire sign area, it made sense to allow off premise signs (billboards) to use the entire sign face for an electronic message sign. If an electronic message sign was incorporated into a billboard, it would cut down on aesthetic wear and tear to the sign. Finally, as wall signs are already regulated according to the percentage of the building elevation on which they are located, it seemed appropriate to allow a wall sign to use the entire wall sign for an electronic message sign.
3. As electronic message signs really can't stay in the control of the sign companies, the piece in the proposed ordinance that would require an access code for the sign

company's use was removed. Instead, a requirement for certification of brightness at the time a building permit is reviewed was added.

4. The proposed ordinance only allowed one electronic message center per parcel of property. As some properties are very large and spaced out, the limitation to one electronic message sign was removed and the spacing for electronic message signs will meet the requirements for spacing for the sign on which they are located. However, pole signs would have to be spaced at least 200 feet apart.
5. It came up that perhaps the city could cut down on the number of electronic message signs if two properties could share one on the property line, so this was added to the proposed ordinance.
6. As the definition for animation was not quite up to date for electronic message signs, the definition was updated so that it covered the aspects of electronic message signs.

The proposed sign ordinance was then drafted again after the meeting with the sign companies and business owners. After concerns arose in the Planning Commission Study Session on May 16, 2007, staff reviewed the proposed ordinance further in a meeting. Planning Commission voiced concerns in the study session including the potential overwhelming end electronic message signs could place on the City, the need to update the entire sign ordinance, the distance a sign could be from a residential zone dependent on the orientation the sign faces, and the conformance of the E-Center sign. After staff met on May 17, 2007, the following issues were addressed and changed in the proposed ordinance:

1. The percentage allowed for different signs may have been proposed too lax. The regulations currently proposed allow pole signs to use 30% of the sign face for electronic message signs. If a pole sign is built to its maximum size, it could be 200 square feet, which would allow the electronic message sign to be 60 square feet. To encourage smaller monument signs, 50% of a 5 foot tall monument sign could still be used for an electronic message sign. However, 30% would be the maximum for a 10 foot tall monument sign. This would allow 25-30 square feet of electronic message sign area for any sign size, the percentage being on a scale dependant on the sign height. Furthermore, wall signs and billboards continue to allow 100% coverage on the sign face. Of course, wall signs would be restricted to 10% maximum building front elevation regardless of whether the property has a pole sign or not (properties with out a pole sign are allowed to have a front wall sign that is a maximum of 15% of the building elevation for wall signs that are not electronic message signs).
2. The definition for Animated Animation allowed a minimum of two seconds for the display of messages; this seemed much too short and could be distracting, so the minimum display time is proposed at ten seconds with fade duration of three seconds. Freeway oriented signs would only have to have a message displayed for a minimum of three seconds, as they can be seen from greater distances.

3. The need to require a masonry base for all monument signs became evident. Although there are guidelines if a party uses a masonry base, there is currently no requirement for a base.
4. Currently, there is no limitation for the number of pole sign that are allowed per frontage in the sign ordinance. This proposed ordinance would limit the number of poles signs to one sign per frontage, unless the property is free-way oriented.
5. Staff voiced concern about the distraction of scrolling signs, although scrolling signs are still permitted in the proposed ordinance.

The study session held on June 6, 2007 brought up several other concerns from Planning Commission. The concerns are as follows:

1. As proposed, no electronic message signs would be permitted in the City Center Zone.
2. The scrolling speed for electronic message signs may need to be regulated in some way, so as not to cause too great of a distraction while driving.
3. The overlay zones in the city may need to be treated differently in terms of electronic message signs as these are sometimes gateway districts into the city.
4. Billboards that are freeway oriented are okay to have 100% coverage of the sign for the electronic message signs. However, in-city billboards, especially when next to residential zones don't seem appropriate to have 100% of the billboard covered with electronic message signs.
5. Some electronic message signs seem very cluttered and distracting when more than one message is displayed at once, where more than one 'piece' of the sign is illuminated.

Whereas, sign companies were concerned that:

1. 11-5-107(1)(a) and (2)(a) regulate the percentage of a sign's face. It is desired for the maximum to be at least 50% coverage for all monument signs regardless of size.
2. The restriction to 10% rather than allowing 15% coverage for front wall signs that do not have a pole sign should be removed.

In the study Session with Planning Commission on June 20, 2007, Planning Commission had several more concerns. A memo regarding these concerns was sent to Commissioners, Chamber West, a couple West Valley City businesses, and a few interested sign companies. This memo is attached.

Matters of Concern

Sign companies have concerns with the proposed electronic message sign ordinance. Letters regarding some of their concerns is attached. Sign companies have had the

following concerns regarding the electronic message signs:

1. That electronic message signs need to be allowed to be bigger so that they are readable.
2. Electronic message signs are energy friendly and don't require as much service.
3. Electronic message signs aid in the success of businesses.
4. Billboards are more aesthetically pleasing than with the use of electronic message signs, and should be allowed on all billboards (not just freeway oriented).
5. Electronic message signs are more efficient and can relay important service messages more quickly.

The Planning Commission decided that a set square footage for electronic message signs on pole and monument signs would best fit the City's signage needs in the Study Session held on July 3, 2007. It was staff's preference that pole signs be allowed 0% of electronic message signage in the city but be allowed 100% of electronic message coverage on freeway oriented signs. It was also staff's preference that monument signs be given a bit more allowable coverage based on a percentage scale depending on the size of the monument sign, where a smaller sign be allowed a higher percentage of electronic message sign coverage allowed. It was also resolved that electronic message should not be allowed in the RB zone unless a property is at least 5 acres in size. A concern that came up was the number of signs allowed per frontage. Signs are limited to be at least 100 feet apart or at least 200 feet apart for electronic message signs. A concern was that this was perhaps too short of a distance for a minimum distance apart.

Concerned:
Greg Helm
9192 S. 300 W.

Concerned:
Dewey Reagan
1775 N. Warm Springs Rd.

Concerned:
Kirk Brimley
1148 S. 300 W.

Discussion: Mr. Greg Helm is a partial owner of the new Valley Fair Mall. He noted the mall is on 75 acres, and much of that is frontage viewed by the public. An electronic sign was planned to get information to customers regarding smaller tenants inside the mall. Mr. Helm explained the sign would be important to potential clients, giving the mall a progressive feel. It could accomplish advertising in a proficient way. He showed the Commission an example of what the sign might look like, stating he was concerned that a 24-sq. ft. electronic sign would not work. Mr. Helm asked the Commission to consider the size of the business when considering the size of the sign. He reminded that the electronic sign will advertise 150 tenants, making them feel like they have a front road sign. Chairman Woodruff asked how much frontage there is with the mall. Mr. Helm answered approximately 1,200 feet. Commissioner Clayton asked what the mall is planning for signage, reminding that the Planning Commission is trying to control signage in the City. Mr. Helm said they plan to have some signs on the side of the mall by the freeway. He mentioned that at the next Planning Commission Study Session meeting on July 18th, they will show the preliminary designs to the Commission. Mr.

Helm commented a big, clean, new, fresh sign is needed for the mall to attract people into the City. Commissioner Matheson asked if a monument sign will be placed at every entryway. Mr. Helm replied they were not planning on that. He stated there may be monument signs with the strip of electronic message board as well as signs for banks and restaurants. There will also be directional signs. He assured they want the mall to look good while still helping businesses. Commissioner Conder asked Hannah how many businesses along the freeway might utilize signs. Hannah answered there are few businesses along the freeway in West Valley, such as trucking businesses, Costco, the mall, and the E-Center. Commissioner Conder asked if the mall would be able to have a large sign near the freeway. Hannah replied yes. Mr. Helm told the Commission that certain properties might need exceptions to the sign ordinance. He gave an example of large parcels of property that might need to be rezoned. Mr. Helm asked that options be left open.

Mr. Dewey Reagan distributed photos to the Planning Commission, and thanked the Commission for allowing LED's on the freeway. He said he understood concerns regarding brightness and hours. Mr. Reagan believes billboards should also be allowed on surface streets. He suggested the brightness, duration between changes in the signs, and hours of the signs could be monitored to reduce the chances of the signs being a nuisance. Mr. Reagan reminded it is easier to maintain electronic signs, and they can be effective for public information, such as emergencies. He noted there is an ability to change copy remotely, making quick changes as needed.

Mr. Kirk Brimley of Young Electric Sign Company told the Commission he has been in the advertising business for over 70 years. He said there have been many changes and some have become very vital. Mr. Brimley understands safety and visibility are both issues, stating the more readable a sign is, the more desirable it is. He discussed the extensive research performed to make signs effective with lettering and colors. Mr. Brimley stated that reducing sign sizes unrealistically is actually dangerous, and the City's proposed changes are not realistic. He explained the lettering gets crowded, making the sign unreadable. Mr. Brimley said readable signs are more important than the size of the signs. He commented that size consideration makes it easier for citizens to read the signs.

Mr. Greg Helm explained that in the past, old signs were difficult to have updated. This situation is such that technology lets a sign become new everyday. He was afraid the City will be limiting signs to a long thin red strip with messages going across it.

Commissioner Clayton acknowledged that the changes in technology are good, but he was concerned people may take advantage of this. He suggested keeping a solid image on an electronic sign for a day would be perfect. Commissioner Clayton believes the distance between signs on a frontage is still an issue. He did not believe electronic signs

should be in residential business areas. He reminded this ordinance will not be in stone, but is only a beginning for the City to identify the needs, and then monitor and adjust the ordinance as time goes on. Commissioner Clayton noted business owners and residents have not attended the hearings regarding this ordinance. He commented only sign companies have attended, and the full spectrum of businesses and citizens have not voiced their opinion.

Chairman Woodruff did not see a problem with the freeway oriented pole signs being 100% electronic. Commissioner Matheson agreed, and he did not see a reason to turn off freeway signs at night. Chairman Woodruff liked staff's previous options for monument signs regarding the 20-sq. ft., as it looks better proportionately. Commissioner Conder said static elements on a monument sign can be on the sign portion, and changing text can be on the electronic portion of the sign. Commissioners discussed the distance between signs on a frontage. Chairman Woodruff suggested if more than one sign per frontage is requested, it could be heard as a conditional use. Commissioner Clayton and Matheson agreed stating each individual circumstance could be reviewed. Hannah Thiel mentioned only parcels with five or more acres in the 'RB' zone can have electronic message signs.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval of the Zone Text Change of the Sign Ordinance as written, permitting freeway oriented signs to have 100% electronic message boards and those freeway signs do not have to be turned off at night; for properties that want more than one electronic message sign per frontage, conditional use approval would be required; this ordinance shall be reviewed in one year with input from interested parties for possible modification.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – ZT-2-2007 – Approved

ZT-4-2007

Family Support Center

Amendments to Sections 7-1-103 and 7-6-304 adding a definition for a crisis nursery and counseling center and adding crisis nursery and counseling center to list of conditional uses in the R-1 Zones

Mr. Steve Pastorik presented the application.

Bonnie Peters with the Family Support Center is requesting a zoning ordinance amendment to Sections 7-1-103 (definitions) and 7-6-304 (list of conditional uses for R-1 Zones) of the zoning ordinance. The purpose of these changes is to define a crisis nursery and counseling center and to add this use to the list of conditional uses allowed in the R-1 zones. The following definition for a crisis nursery and counseling center is proposed:

“A crisis nursery and counseling center means a home licensed to provide temporary, short-term care for the primary purpose of child abuse prevention.”

Background

Back in May of this year, Bonnie Peters asked staff what process she would need to pursue to obtain the appropriate permits/licenses for a crisis nursery and counseling center in West Valley. Staff requested a detailed description of the proposed use. The attached letter from Bonnie Peters dated May 18, 2007 provides this description. In this description a specific property in West Valley is referenced; however, if this application is approved, this ordinance would apply to all R-1 Zoned property. After reviewing the description provided by the applicant, staff suggested three options listed below in order of staff's preference:

1. Find a property zoned RB and apply for a conditional use. Day cares, which are somewhat similar to what is proposed, are listed as a conditional use in the RB Zone. Family Support Center staff looked at RB zoned properties in the City, but found them to be on busy streets near major intersections. They much prefer a residential location on a typical residential street within a neighborhood. They believe this will make the facility feel more like home or comfortable for children staying there.
2. Define a crisis nursery and counseling center and add this use to the list of conditional uses allowed in the R-1 zones. This is the option they are pursuing.
3. Rezone the single family residential property they are interested in to RB and apply for a conditional use. This option was considered the least likely to be approved since it would result in spot zoning where one property within a neighborhood is zoned differently from everything around it.

A fourth option discussed during the study session was to rezone to RB a single family residential property that is along a busy street like 4100 South and near or next to an intersection with RB or commercial zoning.

Two crisis nursery and counseling centers exist in Salt Lake County – one in Midvale at 777 West Center and one in Salt Lake City at 2020 Lake Street. The location in Midvale is on a busy, 5 lane street with residential to the south. The Salt Lake City location is on a residential, dead-end street with commercial uses at the end of the street. Included with the report is a letter of support from Midvale's Mayor Seghini. Also included with this report are pictures of the two existing facilities.

Staff Concerns

Neighborhood Impacts

As a means of comparison for neighborhood impacts, staff compared a day care as a home occupation to the proposed crisis nursery and counseling center. The home occupation requirements were put in place to maintain the residential character of neighborhoods. The definitions of home occupation and home child care are included below for reference:

"Home Occupation" means any lawful use conducted within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. The home occupation typically allows the home to be used for receiving mail and maintaining a business telephone.

"Home Child Care" means care for children who are non-family members in an occupied dwelling by the resident of that dwelling at least twice a week for more than three children, but fewer than seven children. The total number of children being cared for shall include children under the age of six years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. This definition shall not apply to care being provided strictly to family members. When a caregiver cares for only one child under age two, the group size, at any given time, shall not exceed six, except that one additional school age child may be cared for before and after school hours and on school holidays and during vacation periods; or when a caregiver cares for children who are all two years of age or older, the group's size shall not exceed six, except that two additional children of six years of age or older may be cared for before and after school hours and on school holidays and during vacations.

The proposed use is different from a home occupation in the following ways:

- The persons caring for the children and providing counseling do not reside at the home. Up to six employees (house parents and counselors) would be at the home.
- For home day cares with one child under 2, a maximum of 7 children can be cared for. For home days cares with two children under 2, a maximum of 6 children can be cared for. The proposed use would have 8 children aged 0 to 11.
- Home occupations are only allowed between the hours of 6 AM and 10 PM. The proposed use provides care overnight. Staff asked the applicant if there are hour limitations for when children can be dropped off. Here is the response: "We encourage children to be dropped off during the hours of 7:30 AM-8 PM as this is what is best for them regarding their meal times, bedtimes, etc. However, in an emergency situation where a parent has to go to a hospital, etc. we will let parents drop off at other times."
- A minor home occupation allows up to 2 customers per hour and a major home occupation, which requires Planning Commission approval, allows up to 6 customers per hour. Staff asked the applicant what the largest group size would be for a counseling session/class. Here is the response: The usual size for classes is 8-10 individuals. The maximum it would be would be 12 individuals, but that would be quite rare. For counseling sessions, they are generally individual sessions but family therapy would be engaged in at times. This would be for the entire family, ranging in size from 2-10 individuals.

In summary, the proposed use would include more off-street parking to accommodate patrons and employees than a home occupation and more traffic than a home occupation with children being dropped off throughout the day and persons attending counseling sessions.

Proposed Definition

If the Planning Commission believes that neighborhood impacts would not be significant or that they can be mitigated through a conditional use, staff believes that the proposed definition is too general and does not specifically cover the desired counseling services. The State requires the proposed use to be licensed as a residential support program, which is defined in the State's administrative code as "a 24-hour group living environment, providing room and board for four or more consumers unrelated to the owner or provider..." The stated purpose for a residential support program is to "arrange for or provide the necessities of life as a protective service to individuals or families who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families." The State code includes requirements for staffing, food, and facility requirements.

The specific property in West Valley being considered for this facility is 0.63 acres. To provide room for adequate parking and to limit the number of eligible sites to those that

are larger, staff recommends the minimum lot size to be ½ acre.

So, if the Planning Commission believes this use to be compatible in the R-1 Zone, staff recommends the following definition (italics added to staff recommended changes):

“A crisis nursery and counseling center means a home *on at least ½ acre of property licensed by the State as a residential support program* to provide temporary, short-term care *up to 72 hours* for the primary purpose of child abuse prevention *including counseling as an accessory use.*”

Applicant:

Bonnie Peters
777 W. Center St.

Favored:

Colleen Hatfield
1296 Morning Vista Dr.

Favored:

Babs Delay
380 W. 200 S.

Discussion: Ms. Bonnie Peters noted that West Valley City does not have anything like this in the area, and they want to provide this service to our community. She said they have looked for homes in ‘RB’ zones, but have not found any. This home is on 0.63 acres with an area for parking in the rear. Ms. Peters will encourage families to drop children off from 7:00 a.m. to 8:00 p.m., but there will be emergencies when children may be dropped off at other times. There are licensing requirements through the State of Utah that are very restrictive.

Commissioner Conder asked why no sites in the ‘RB’ zone were satisfactory. Ms. Peters replied they need a large house and lot, and lots in the ‘RB’ zone are not large enough. She explained the area must not be dangerous and should be a calm atmosphere for clients.

Ms. Colleen Hatfield spoke in favor of this application. She said they have looked for other locations, but there are very few ‘RB’ lots in West Valley, and some of those are under contract. Ms. Hatfield noted if this was a daycare, it would not be a problem. She commented they want the children to feel they are coming to a safe home, not a business atmosphere with 40-other children where they are only being babysat. Ms. Hatfield said when some families need the help, this type of business is ideal, as many families do not have any other options. This business might be the only real care some children receive.

Ms. Babs Delay spoke in favor of this application. She noted she has lived next to a family support services business in Sugar House. Ms. Delay said she did not know it was there because there was very little traffic. The only noise she heard was occasional random laughter. She mentioned toys are not left outside the property, and the building is kept up along with the landscaping. Ms. Delay explained the parents will drop off their children when they feel they are going to hurt them or if the parents need a time-out. She stated the need for this type of business is extreme for this area, assuring the facilities are

closely monitored.

Commissioner Matheson believes this type of facility should be in a residential zone. He perceived this lot will be large enough to handle extra cars for parking.

Commissioner Conder suggested this would be a tremendous asset for the area. He said it is not like anything that has been viewed before, and he is willing to allow it in a residential zone.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the proposed ordinance changes including the recommended definition changes suggested by staff.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – ZT-4-2007 – Approved

SUBDIVISION APPLICATIONS:

S-18-2006

Wood Hollow Estates Subdivision – Final Plat – Phase 1

6200 South U-111

R-1-10 Zone

103 Lots

30.1 Acres

Mr. Steve Lehman presented the application.

BACKGROUND:

Ken Olson is requesting final plat approval for the first phase of the Wood Hollow Estates Subdivision. The subject property received preliminary approval in June 2006. A development agreement has been recorded which sets forth development standards to be used in this subdivision. An executive summary has been prepared to remind the Planning Commission of the developer's commitments.

STAFF/AGENCY COMMENTS:

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Follow recommendations outlined in the soils report.
- Comply with approved grading and drainage plans.
- UDOT approval required for access on to U-111.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.

Building Division:

- Follow recommendations outlined in the soils report.

Utility Companies:

- Standard Utility Easements required.

Kearns Improvement District:

- Developer will need to coordinate all matters regarding water and sewer services.

Parks Department:

- Collection of park impact fees will be required.

- Future phases of this subdivision will require a formal review.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.
- Secondary access will be needed from the south or the project will be held to a maximum of 30 dwelling units until such access is obtained.

ISSUES:

The first phase of the Wood Hollow Estates Subdivision consists of 103 units on 30.1 acres. This equates to an overall density of 3.4 units per acre. The overall density for the entire project will be 2.95 units per acre. Lots range in size from 7,200 square feet to 14,208 square feet. The average lot size for the entire Wood Hollow Estates Subdivision has been calculated at 8,701 square feet.

A number of planning related concerns were addressed during the preliminary plat process. This was done because the subject property is located in an area that had not been reviewed for residential development. Staff would like to bring the Planning Commission members up to date on the following issues:

Subdivision Design:

The design of this phase reflects the layout reviewed during the preliminary approval process. The subdivision design for the most part will allow a number of lots to view the valley and west mountains. Lots along Oquirrh Mesa Lane have been increased in size to approximately 10,000 square feet to provide larger lots along the collector street.

Access:

One of the most challenging aspects of this development has been access. The developer is proposing to access the subdivision from 6200 South at U-111 and from a stub street with the Sunset Hills development to the south. The intersection design at U-111 has required the developer to negotiate a purchase of property from ATK to the north. Over the last number of months, the developer has been coordinating this issue of access with both UDOT and ATK.

The developer has been working with UDOT on an acceptable intersection design. The design and location of this intersection has been accepted by UDOT and has been

reviewed by the City Public Works Department. The final drawings for this intersection will be reviewed by the City Engineering Division in conjunction with the final plat.

During the preliminary process, staff informed the Planning Commission that UDOT will allow access at the intersections of 6200 and 6600 South. In order to facilitate vehicular and pedestrian movement between these two streets, the developer is proposing a 66-foot collector which will act as somewhat of a frontage road to U-111. In addition, the developer is proposing a stub street to the east for future development.

Various right-of-way widths will be used in the subdivision. The developer will be dedicating and improving 6200 South as a 40-foot half width for an eventual 80-foot right-of-way. Staff is working with the Parks Department to determine if the City would be willing to maintain street trees along this corridor similar to the Diamond Summit Subdivision. Interior streets will be 54 feet and the cul-de-sac widths will be 44 feet. All roads, with the exception of the cul-de-sacs, are proposed to have a 5-foot parkstrip and 5-foot sidewalk.

Development Agreement:

The Planning Commission and City Council reviewed and approved a development agreement for this subdivision. Due to the many issues facing development at this location, the development agreement was rather extensive. In order to assist the Planning Commission regarding housing standards etc., staff will attach the executive summary that was used during the rezone process.

Staff believes that these standards will provide for an enduring community on the City's west bench. Subsequent to the approval of the development agreement, the City adopted single family design standards that if applied would make an even better community than the standards outlined in the development agreement. Staff has discussed these standards with the developer and he has agreed to incorporate them into the approval of this development.

Grading/Drainage:

The proposed subdivision has a general upward slope toward the base of the mountain. Within the boundary of the subdivision, there is a ravine on the west side of this phase which will play a significant role in the development of this property. In addition, there are specific areas that have historically been used as small water channels.

A number of lots adjacent to the ravine do have grade changes. These areas are located to the rear of the lot and do not appear to negatively affect the building envelope. In addition, the developer believes that these lots have the ability to be constructed with

walk-out basements making them more appealing. The ravine will be improved with a walking trail, but will remain fairly natural as it relates to vegetation. During the preliminary process, the developer committed to install the trail and accompanying improvements. The City would then take over maintenance of the trail system.

The City Engineering Division is currently undergoing their review of the grading and drainage plan. Should there be problems or concerns with regards to existing or proposed grades, the developer will need to respond accordingly. The developer will need to illustrate how the site will be contoured and what retaining methods if any, will be used to ensure slope stability.

The City Engineering Department is concerned regarding storm water generated from this subdivision. The developer is proposing to detain and then channel water where it has historically traveled. Because this issue has not yet been addressed by the Engineering Division, staff is unprepared to state whether that proposal will work. The developer will need to coordinate this matter with the Engineering Division as the final plat moves forward.

Utilities:

The developer will be responsible to coordinate the availability of all utilities for the subdivision. Kearns Improvement District will handle water and sewer connections in the subdivision. According to recent discussions with KID, services are slowly making their way to this property. KID has been working with Property Reserve Inc. on property east of U-111 to secure the necessary easements in order to provide these services. The developer will need to continue to coordinate this issue with the improvement district.

Fencing:

The developer is will be installing a decorative masonry wall along 6200 South. During the study session, a question was asked about what type of fence would be installed along the future commercial development to the east. During the preliminary plat, the developer notified staff that they would be willing to install a masonry wall along this boundary. The south side of this phase will be fenced with a black coated vinyl chain link fence.

The developer will be responsible to fence the area adjacent to the trail system. This will be a black vinyl coated chain link fence. The developer will incorporate into the CCR's a condition that solid fencing cannot be installed for privacy. If residents desire more privacy, screening will need to be done by various types of vegetation. Although this sounds reasonable, staff believes that residents will still want to install a solid fence. The CCR's are a good suggestion, but they are only as good as a working association which will likely not exist with this development. Staff is exploring the idea that a deed

restriction be attached to those lots in question. This idea needs further exploration and discussion with the City Attorney's Office and developer.

Open Space:

The overall subdivision will have both formal and informal open space areas in addition to the trail system. This phase of the development will provide an area that will be formally improved as a City park in the future. The developer will dedicate an area approximately 1.4 acres in size at the northwest corner of this phase of the development. This area will be used in conjunction with an additional 1.4 acres to the south which will be deeded by Sunset Hills to create a City park of just under 3 acres. The City will collect park impact fees as part of both subdivisions. Future park and trail systems will be evaluated as additional phases are planned.

Applicant:

Ken Olsen

10299 Spring Crest Lane

Discussion: Commissioner Matheson asked if the issues with UDOT have been resolved. The applicant, Ken Olsen said yes. Commissioner Clayton asked about the solid masonry wall. Mr. Olsen replied the other contractor has already started construction, and this project will begin in January or February 2008. He believes the wall issue should be resolved by then, stating they will work with the other contractor regarding the fence. Steve Lehman further explained that the lots along the east collector area will have a black vinyl coated chainlink fence. The masonry wall will be adjacent to the Sunset Hills development. A white vinyl fence will be located west of the City Park between the residential lots. Commissioner Clayton asked about fencing along the west side of the development. Steve replied the fencing in the analysis is along the back of the lots. A six-foot chainlink fence will be installed by the developer, and most likely residents will install a form of privacy fencing. This could be addressed through CC&R's but this subdivision might not have an active HOA. A deed restriction could be attached to the lots, but this may not be a reasonable condition. Another option is for the fencing in this area to be brought back to the City Council for a review and potentially modify the development agreement. This would allow the City to enforce the fencing issue. Steve said he prefers this does not happen, as it will be an enforcement issue. Staff is evaluating ways to keep fencing consistent in this area. The Parks Department would like to have a black vinyl coated chainlink fence. The housing and elevation would allow residents to look down onto the trail, so safety may not be a concern. These issues will be evaluated prior to this application going to City Council. Commissioner Matheson asked if there is any requirement for the developer to tell the homeowners that the adjacent lot may be commercial. Steve reminded the adjacent area is not zoned as commercial right now. He assured a note could be placed on the plat stating that it may

potentially be commercial. Steve noted commercial developers are normally required to place fencing, but the developer of this subdivision will place a fence in this area.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved to grant final plat approval for the first phase of the Wood Hollow Estates Subdivision subject to the following conditions:

1. That the subdivision be guided by the recorded development agreement.
2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
3. That compliance be made with the Kearns Improvement District i.e., water line extensions, connections, water rights and fire protection.
4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
5. That 6200 South be dedicated to a 40-foot half width and constructed in accordance with plans and profiles approved by the City Engineering Division. All other interior streets shall be approved by the City Engineering Division.
6. That a decorative masonry wall be installed along 6200 South and adjacent to the future commercial property.
7. That the developer install a 6-foot black coated chain link fence on the east, and south boundary of the subdivision.
8. That the developer install a black coated vinyl chain link fence adjacent to all portions of the trail system. Fencing shall be installed after the dwelling has been constructed and the final grade set. This requirement shall be noted in the CCR's. Staff will explore the possibility of adding a deed restriction to these lots to maintain the intention of the fencing along the trails.

9. That the developer following the recommendations outlined in the soils report. This report did not indicate that ground water was encountered in any of the test pits.
10. That the developer provide a detailed grading and drainage plan. Said grading plan shall identify areas of concern with regards to existing slopes. The grading plan will need to illustrate how the site will be contoured and what retaining methods if any, will be used to ensure slope stability. Measures shall be taken early on to eliminate potential grading problems between lots. These plans will need to be reviewed and approved by the City Engineering Division.
11. That the developer resolve the land purchase with ATK. This shall be completed prior to City Council review.
12. That the developer coordinate access from U-111 with UDOT. UDOT shall also approve the intersection design.
13. That the developer coordinate the dedication of the open space with the Parks Department.
14. That the recently adopted single family design guidelines be used for this project. These guidelines will replace the point system reviewed and approved during the rezoning of this property. All other requirements of the development agreement shall apply.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – S-18-2006 – Approved

PUD-5-2007
West Valley Storage Units
5710 West 4700 South
M Zone
3.97 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Steven Vasic is requesting preliminary and final subdivision approval for a storage unit condominium. The subject property is located on the north side of 4700 South across from the NAC property and natural gas power plant.

ISSUES:

- The subdivision is being proposed in order to create storage units that will be sold as individual condominiums. This application is a little different than the standard condominium application the City typically reviews. The definition of a condominium is as follows:

The ownership of a single unit in a multi-unit project, together with an undivided interest in the common areas and facilities of the property.

- The definition here is not limited to residential uses, but to any use that would qualify. The Manufacturing zone lists Industrial Condominiums as a conditional use and the storage unit classification as a permitted use in that zone.
- The proposed subdivision is being located on 1 of the Anderson Minor Subdivision. As part of this application, lot 1 would be amended to create the addition of condominium units. The Anderson Minor Subdivision was recently approved, but the subdivision plat has yet to record. Prior to the City's approval of this plat, the Anderson Minor Subdivision will need to be recorded.
- Access to the subdivision will be gained from 4700 South. During the review of the Anderson Minor Subdivision, it was determined that improvements to this right-of-way would be made by the subsequent land owner who would build on the property. In this case, Mr. Vasic will be installing these improvements.
- The drive access leading to the storage units will be positioned in the southeast corner of the project. During early discussions, the owner had suggested placing

this drive at the west property line. After learning that the west property would likely be used as a collector road from 6000 West, the property owner decided to reposition the drive to the east.

- When the collector road is constructed, the cross section will consist of 35 feet of pavement, including a 5 foot parkstrip and 5 foot sidewalk. A 20-foot landscaped area will need to exist east of the property line. The property owner is proposing to position the buildings in such a way to serve as the masonry wall.
- There is some concern with regards to grading and drainage. The subdivision plat did not address this concern as this lot was going to develop commercially with the north lot developing residentially. Recommendations outlined in the preliminary process were for the applicant of the commercial to coordinate these issues with the City Engineering Division.
- Although a permitted use in this zone, the building architecture will be subject to the commercial design standards. An initial review of the proposed architecture was done for the study session. Staff will review the full scope of the elevations to make sure that they meet with the City's ordinance. As this property will be a corner lot, special attention will also need to be given to the west elevation of those buildings.
- The developer has provided a landscape plan. The plan adequately addresses 4700 South but does not provide information along the west property line. This area will need to be landscaped similar to that of 4700 South.
- During the study session, concerns were raised about the idea of storage unit condominiums. These concerns ranged from residential occupancy to maintenance of the development. Staff discussed these concerns with the applicant who responded with the following:
 1. Storage unit condominiums offer ownership of units and therefore will have less turnover than a typical storage unit development.
 2. This project will have an on-site manager. This will help mitigate the concern of residential occupancy.
 3. The project will be governed by CCR's. These restrictions will restrict residential living and will provide a plan for professional maintenance of this property.

Applicant:
LeAnn Kamau
1074 E. 2100 S.

Concerned:
Robert Defay
3802 S. 5600 W.

Discussion: Commissioner Clayton asked if this business would require two entrance points. Steve Lehman replied that two entrance points are for residential units. He noted the City's Fire Department has reviewed this application and has approved one entrance.

Ms. LeAnn Kamau was representing the applicant. She explained the storage units would be used for owners to place boats, etc., such as what a second garage would be used for. She showed the Planning Commission color and material samples, assuring it will be visually attractive. Ms. Kamau noted the project has approximately 400 feet of frontage on each side, and they want it to look nice.

Commissioner Matheson stated that the unit size of 40' X 12', approximately 500 sq. ft., is fairly large. Ms. Kamau acknowledged the storage units are intended for boats. Commissioner Clayton asked what the price range would be for a unit. Ms. Kamau replied the 5X5's would start around \$15,000.00. She said the units that could house boats may go for \$40,000.00. She reminded that she is not the owner, as the owner is in China, so she was not exactly sure what the prices would be. Commissioner Clayton asked if there were any pre-sells. Ms. Kamau answered they have been taking reservations, but no pre-selling. She said the owner is working on this and has finalized his budget with the contractor. Commissioner Clayton asked if the development would be built in phases. Ms. Kamau replied no, she believes the owner would like to complete the entire project as soon as possible. Commissioner Matheson asked if the price point would be approximately \$100.00 per foot. Ms. Kamau was not sure, but said for the same payments as a condo, the owner would actually own the unit in ten-years.

Mr. Robert Defay informed that he owns property on east side of this development. He was concerned about the perimeter fencing around the development, specifically the east fence line. Steve Lehman explained that the fencing along south, west, and north sides of the property will essentially be the buildings. Ms. Kamau acknowledged that the back of the buildings would serve as the fence. There are options for relief treatment such as crown molding, but they were only planning on a straight concrete block CMU wall. She said the wall would be a minimum of six-feet high on the east side, and higher if needed. Mr. Defay asked who would remove graffiti and any garbage dropped over the fence. He suggested the fence be some type of decorative fence. Ms. Kamau indicated there will be an on-site manager at entry of the business. There will be CC&R's and HOA dues. Steve informed that the adjacent property is zoned manufacturing. He commented if this developer does not want to put a wall in, it would not be required. The proposed fence is better than a chainlink fence, but since it is a conditional use application, the Commission could require a certain type of fence. The HOA could be required to take care of any graffiti through an agreement. This would need to be worked out with Mr. Defay, as access to his property must be granted. Steve said fencing on the east side could be postponed until the property to the east is developed. He assumes the storage units would

like to secure their site, and a temporary fence might not be desired. Chairman Woodruff perceived the masonry wall should help with marketing.

Commissioner Matheson was concerned that the east side of the development would be fairly visible from 5600 West. He wanted the precast concrete wall with some type of design or relief to be part of the approval. Mr. Defay informed that he is not planning on selling his property anytime soon. Ms. Kamau suggested a consistent look around the development is desired. Steve mentioned the applicant is planning to use three different colors of block, and they could come up with some type of design to blend in with their buildings. This could be reviewed at a future Planning Commission Study Session.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Clayton moved for approval the West Valley Storage Unit Condominium Plat subject to a resolution of staff and agency comments specifically related to the architectural enhancements and landscaping. The fence on the east side of the project shall be reviewed by the Planning Commission at a future Study Session.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – PUD-5-2007 – Approved

CONDITIONAL USE APPLICATIONS:

C-18-2007

**Douglas and Elaine Thorup
3048 South Thorup Circle
Specialty Breed Dog Kennel
A Zone (1.6 acres)**

Mr. Steve Pastorik presented the application.

Douglas and Elaine Thorup have requested a conditional use for a specialty breed dog kennel on a 1.6 acre parcel at 3048 South Thorup Circle. The subject property includes a home and a construction business that has been in place since 1972 (a nonconforming use) and is designated as low density residential, which allows 3 to 4 units/acre, in the West Valley City General Plan. The property is surrounded by single family homes.

The following description of kennel use was submitted by the applicants:

“The purpose of the conditional use permit is to operate a dog kennel business, breeding, selling and grooming a specialty breed called Toy Poodles. This breed ranges in size from 4 – 7 pounds and stands 9 – 10 inches high. The said permit will be for a total of 8 to 10 adult animals at any one time, generally less. Our home and yard have been improved to provide for the care and containment of these dogs. All of our adult dogs have been or will be surgically de-barked, to virtually eliminate any noise problem.”

As described above, the improvements for this kennel have already been made. These improvements include a 340 square foot addition to the house with kennels inside and a fenced area in the front yard that the dogs access through a small dog door on the addition to the house. By obtaining a conditional use permit, the applicants can receive a business license to bring their business and associated improvements into compliance.

The subject property was originally two parcels. The north parcel, which was zoned A, was 1.27 acres and the south parcel, which was zoned R-1-8, was 0.33 acres. In April of this year, the City Council approved a zone change for the south parcel to from R-1-8 to A subject to a development agreement. The following is a list of the conditions listed in the approved development agreement:

1. Before the zone change becomes effective, the applicants shall amend and extend the Thorup Estates Subdivision to include the property to the north (parcel #: 1529254014) and combine it with the subject property.
2. The building permit (permit # T1546) issued for the house addition in 2003 shall be finalized.
3. A conditional use permit and business license application shall be applied for within 30 days of the subdivision and zone change approval.
4. The kennel shall be limited to no more than 10 adult Toy Poodles.

5. All Toy Poodles shall be surgically de-barked.
6. The space used for the kennel shall be limited to the 340 square foot addition constructed under the permit referenced in item 2 above and the fenced in area in the front yard that is adjacent to the addition.

Items 1 and 2 of the development agreement have been resolved. The applicants are now working on item 3. Items 4 through 6 are ongoing standards.

In addition to the standards listed in the development agreement, the City's Animal Control Division requires a kennel permit which requires an inspection of the kennel. A copy of the kennel permit inspection form is included so the Planning Commission will know what is required from the Animal Control Division.

Also attached to this report is an e-mail from a neighboring resident concerned about noise from dogs during the night. After discussing the e-mail with Mr. Thorup, he mentioned that the dogs are all brought into locked kennels within the house between 10 to 10:30 PM and then let out of the kennels between 6:30 to 7 AM.

Applicant:
Douglas Thorup
3048 Thorup Circle

Applicant
Elaine Thorup
3048 Thorup Circle

Discussion: Steve Pastorik reviewed the conditions. Mr. Douglas Thorup suggested there may be some confusion by the person who complained about barking dogs. Ms. Elaine Thorup explained they put all their dogs indoors in kennels by 11:00 p.m. She added that all the dogs are debarked except for the puppies. Ms. Thorup mentioned there is one female that has not been debarked, but will be when the dog is weaned. The dogs are never left outside all night long. Commissioner Matheson said he appreciates all the work the applicants have done to complete their application. He suggested the staff's requirements be extended to allow the dogs to stay outside until 11:00 p.m., as the City's noise ordinance is 11:00 p.m. Mr. Thorup expressed his appreciation for staff's support with this application.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

- The applicants shall comply with the requirements in the development agreement.

- The applicants shall obtain a kennel permit with the appropriate inspections within 2 weeks of this approval.
- All dogs shall be locked in kennels inside the house between the hours of 11:00 p.m. and 6:00 a.m.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Absent
Commissioner Matheson	Yes
Commissioner Mills	Absent
Chairman Woodruff	Yes

Unanimous – C-18-2007 – Approved

Application #C19-2007 was pulled by the applicant and was not heard at this public hearing.

PLANNING COMISSION BUSINESS

Approval of minutes from May 9, 2007 (Regular Meeting) - **Approved**
Approval of minutes from June 13, 2007 (Regular Meeting) - **Continued**
Approval of minutes from June 27, 2007 (Regular Meeting) - **Continued**
Approval of minutes from July 3, 2007 (Study Session) - **Approved**

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant